

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J. by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF
EDUCATION, HARRISON COUNTY BOARD
OF EDUCATION, WEST VIRGINIA
SECONDARY SCHOOL ACTIVITIES
COMMISSION, W. CLAYTON BURCH in his
official capacity as State Superintendent, DORA
STUTLER in her official capacity as Harrison
County Superintendent, and THE STATE OF
WEST VIRGINIA,

Defendants,

and

LAINIEY ARMISTEAD,

Defendant-Intervenor.

Civil Action No. 2:21-cv-00316

Hon. Joseph R. Goodwin

DECLARATION OF B.P.J.

I, B.P.J., pursuant to 28 U.S.C. § 1746, declare as follows:

1. I make this declaration of my own personal knowledge, and, if called as a witness, I could and would testify competently to the matters stated herein.

2. On April 19, 2022, I signed a declaration for my attorneys to submit to the court. When I signed the declaration, I was an 11-year-old girl in sixth grade at Bridgeport Middle School.

3. I am now a 12-year-old girl, and I am currently in the seventh grade at Bridgeport Middle School.

4. I knew from when I was very little that I am a girl. I began receiving puberty-delaying medication in 2020 as part of my treatment for gender dysphoria, which I am still receiving. The doctors gave me a Vantas implant, and I felt so happy that my body would reflect the girl that I am. In June of 2022, after years of visits, my doctor told me that I was ready to begin an estrogen hormone therapy called Estradiol, and I have been taking that medication in addition to the puberty-delaying medication for the last seven months.

5. Competing on a team with my friends on the girls' cross-country and track-and-field teams is a central part of my life and identity. After my Fall cross-country season in 2021, I was very excited to try out for the girls' track-and-field team in the Spring of 2022. My coach, Ms. Schoonmaker, encouraged me to try out some of the field events based on my running times from my cross-country season so that I could still join the track-and-field team and compete with my friends. I ended up loving shotput and discus, and I made the team for those two events. It was so much fun to cheer on my teammates who ran at the meets, and they would cheer me on when I competed in shotput and discus. I then ran on the girls' cross-country team again in Fall 2022. I am excited to try out for the girls' track-and-field team this spring and have been preparing to do so. Tryouts begin on February 27, 2023.

6. The past two years on Bridgeport Middle School's girls' cross-country and track-and-field teams have been the best of my life. I love being on a team with my friends. We have the best time during practices and at cross-country and track-and-field meets. If I had not been able to join the cross-country or track-and-field teams these last few years, I would have missed out on challenging myself with all the amazing friends I made and the time we got to spend together. My teammates support me even when I am not the fastest or best on the team.

7. Every practice and meet is different. I learn something new at each event, and I am happiest when I am trying my best and motivating my teammates to do their best. When it rains and our trails become muddy, we have so much fun together being knee-deep in the mud and finishing our runs. When I compete in meets, I always feel the support from my coach, my teammates, and my family to have fun and keep a positive attitude. You get to push yourself, and the only way to lose is by not trying your hardest. I love breathing in the fresh air and feeling proud when I work hard. I feel so free and fully myself when I am out on the field.

8. When my mom told me that the court had ruled against me and I would no longer be able to participate on the girls' team with my friends, I felt so angry and upset. I ran upstairs to my room and cried in my bed the whole night.

9. I was scared to go to school the next day and tell my friends and my teammates the bad news, but they were so supportive. Even the kids I am not as close to at school told me they think it is unfair that this law prevents me from participating on the girls' team. Running on the boys' team is not an option for me, but would be deeply upsetting, humiliating, and confusing because I am a girl. I feel sad and frustrated that West Virginia does not see me for the girl that I am and won't let me play on a team with my friends and be happy.

10. I don't want to stop doing the thing that I love and that is part of who I am. Sports are everything to me and my cross-country and track-and-field teams have become my second family over the last two years. Nothing makes me happier than being on a team with my friends and competing on behalf of my school. I have many more years of cross-country and track-and-field left, and I just want the opportunity to participate in school sports like any other girl.

* * *

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 20, 2023

B. P. J.
B.P.J.